

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

FILED BY *gk* D.C.

05 OCT -5 PM 2:30

CAROLYN WATSON, Special
Administratrix of the
Estate of Michael Simon,

PLAINTIFF,

VS.

ANDREA HERENTON and
RODNEY HERENTON,

DEFENDANTS.

*
*
*
*
*
*
*
*
*
*

NO. 04-2400 B An

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

~~PROPOSED~~ AMENDED SCHEDULING ORDER

By Order entered on March 24, 2005, the Court suspended the application of the Scheduling Order entered on August 5, 2004, pending the Court's consideration of Defendants' Motion to Dismiss. On September 8, 2005, the Court denied Defendants' Motion to Dismiss. On September 15, 2005, the Court directed the parties to confer and submit a proposed amended scheduling order. Accordingly, the parties submit the following Proposed Amended Scheduling Order regarding deadlines for the following:
INITIAL DISCLOSURES (RULE 26(a)(1):

The parties have already exchanged initial disclosures.

JOINING PARTIES: FOR PLAINTIFF: November 30, 2005

FOR DEFENDANTS: December 30, 2005

AMENDING PLEADINGS: FOR PLAINTIFF: November 30, 2005

FOR DEFENDANTS: December 30, 2005

COMPLETING ALL FACT DISCOVERY: May 30, 2006

(a) DOCUMENT PRODUCTION: May 30, 2006

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR
ADMISSIONS: May 30, 2006

(c) EXPERT WITNESS DISCLOSURE

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT
INFORMATION: To be served via e-mail, hand delivery
or fax on or before March 31, 2006

(2) DISCLOSURE OF DEFENDANTS' RULE 26 EXPERT
INFORMATION: To be served via e-mail, hand delivery
or fax on or before May 1, 2006

(3) SUPPLEMENTATION OF EXPERT INFORMATION OF BOTH
PARTIES PURSUANT TO RULE 26(e): within 10 days after
Defendants' expert disclosure

(3) EXPERT WITNESS DEPOSITIONS: Each party's
expert(s) are to be made available for discovery
deposition by adversary counsel on mutually agreeable
date(s) within 25 days of service of that expert's
Rule 26(a)(2) information. The term "discovery
deposition" means a deposition that may not be used at
trial except to contradict or impeach the testimony of
the deponent as a witness.

FILING DISPOSITIVE MOTIONS: June 30, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: 45 days before trial
- (b) for Defendant: 30 days before trial

Parties have ten (10) days after service of final lists of witnesses and exhibits to file objections under Rule 26(a)(3).

The trial of this matter is expected to last _____ days. The presiding judge will set this matter for JURY TRIAL. In the even the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allows 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of

the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59 and 60 shall be accompanied by a proposed Order and a Certificate of Consultation.

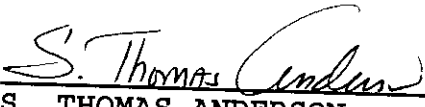
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the Magistrate Judge.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

DATE: October 05, 2005

PREPARED FOR ENTRY:

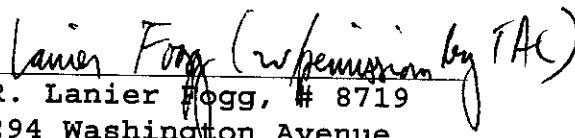
BURCH, PORTER & JOHNSON, PLLC

BY:


DeWitt M. Shy, Jr. # 5163
Taylor A. Cates, # 20006
130 North Court Avenue
Memphis, Tennessee 38103
(901) 524-5000

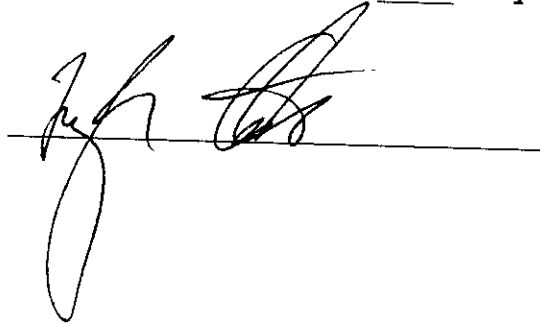
APPROVED FOR ENTRY:

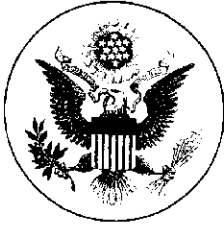
BY:

 (w/permission by TAC)
R. Lanier Fogg, # 8719
294 Washington Avenue
Memphis, Tennessee 38103

CERTIFICATE OF SERVICE

I hereby certify that I have forwarded a copy of the foregoing to R. Lanier Fogg, Esq., 294 Washington Avenue, Memphis, Tennessee 38103, via hand-delivery this 4th day of October, 2005.

A handwritten signature in black ink, appearing to be "R. Lanier Fogg", is written over a horizontal line. The signature is stylized with a large, looped initial "R" and a distinct "F".



Notice of Distribution

This notice confirms a copy of the document docketed as number 39 in case 2:04-CV-02400 was distributed by fax, mail, or direct printing on October 5, 2005 to the parties listed.

Taylor Cates
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103

DeWitt M. Shy
BURCH PORTER & JOHNSON
130 N. Court Avenue
Memphis, TN 38103

Lanier Fogg
LAW OFFICE OF R. LANIER FOGG
294 Washington Ave.
Memphis, TN 38103--191

Honorable J. Breen
US DISTRICT COURT